

**EXHIBIT 1**

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK

4 -----)  
5 GAN H. ENG, TAN F. LAM,  
6 KWOK C. TANG, JUN Q. CHAN,  
7 KAM C. HO, XIAO Z. ZHANG,  
8 YAT C. CHAN, MING HO, RONG J.  
9 CHEN, JIAN Z. LUO, LE Y. CHEN,  
10 JIAN B. YAN, SU C. JIANG,  
11 XIU H. JIANG, XIU LIN, TAK S.  
12 CHENG, SHU C. HUANG, MEI J.  
13 HUANG and OY K. KWAN,

14 Plaintiffs,

15 vs.

07 Civ 3909

16 THE NICE RESTAURANT, INC.,  
17 BEN H. TOM, MEE MEE TOM a.k.a.  
18 MEE MEE M. THOM a.k.a MEE MEE  
19 MEI, YAN SHING CHAN, CHEUNG  
20 YONG, SHING SI SUN, SHEN PING  
21 CHU, JOHN TAM, SI KIT WU,  
22 SI HUNG WU, CHUI BAI TAM, and  
23 JIMMY MOY a.k.a JIMMY MUI  
24 a.k.a JIMMY MEI,

25 Defendants.

-----)  
26  
27  
28 DEPOSITION OF SHENG XIAN SUN  
29 New York, New York  
30 Tuesday, March 4, 2008  
31  
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36 Reported by:  
37 Linda Salzman  
38 JOB NO. 15168

1 S. Sun

2 hiring and firing, who was responsible?

3 A. Specifically I believe it would be  
4 in hands of the board of directors. I  
5 believe the ones who had the power to hire  
6 and to fire would be Mee Mee Tom, Yan Shing  
7 Chan or maybe Mr. Tam.

8 While the members of the board --  
9 on the other hand, the other managers, like  
10 John Tam, T-A-M, or manager Chu, C-H-U, I  
11 believe they would not have that kind of  
12 power to hire and fire just like that. And  
13 maybe they would have the rights to make  
14 recommendations, but I don't believe they  
15 would have the same power as the members.  
16 That's my personal feeling.

17 Q. And when you say board members, you  
18 mean the four people you mentioned earlier  
19 year?

20 A. That's what I think.

21 Q. So Ben Tam, or after he left in his  
22 place, Mee Mee Tom and then also Tam Chui  
23 Bai, William Tam, and then Si Kit Wu?

24 A. Of course, I don't really know what  
25 were they discussing about in terms of hiring

1 S. Sun

2 the board members directly and ask him for a  
3 job.

4 Q. But to your knowledge, Yan Shing  
5 Chan would go to the board of directors to  
6 have their approval for hiring any new  
7 employees?

8 A. Supposedly, yes, like that. But  
9 according to our conversations between me and  
10 Mr. Yan Shing Chan, I learned about that.  
11 And you have to understand that even when I  
12 was working in the Pier 17 Jade Sea  
13 Restaurant, I already know him at that time,  
14 and it was him who brought me to Nice  
15 Restaurant.

16 And that's why I have this  
17 understanding that he would have to go  
18 through the board of directors when he has to  
19 hire people.

20 Q. And that's something he told  
21 you?

22 A. It's from our casual conversations.  
23 Of course, it's not for him to intentionally  
24 tell me this. It's just when we were  
25 chatting, that's what I heard from him.